

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ruby Rogers,)	
)	C/A No. 3:12-1873-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
South Carolina Department of Motor)	
Vehicles (SCDMV),)	
)	
Defendant.)	
_____)	

Plaintiff Ruby Rogers, proceeding pro se, filed a complaint on July 12, 2012, alleging that Defendant had suspended her driver's license without due process of law. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On August 3, 2012, the Magistrate Judge filed an order directing Plaintiff to bring the case into proper form, and cautioning her that the failure to comply with the August 3, 2012 order would subject her complaint to being dismissed for failure to prosecute and failure to comply with an order of the court. See Fed. R. Civ. P. 41(b). Plaintiff filed no response to the August 3, 2012 order. On August 29, 2012, the Magistrate Judge issued a Report and Recommendation in which she recommended that the within complaint be dismissed without prejudice pursuant to Rule 41(b). Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole

or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *without prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

September 26, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.